

Court but also for our democracy, and it is clear that Judge Jackson has the extensive experience and qualifications and temperament and impartiality and fidelity to the law that will undoubtedly serve our Nation exceptionally well.

I am proud to support Judge Jackson as our next Supreme Court Justice, and I urge all of my colleagues to join me in making history.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

#### UKRAINE

Mr. TUBERVILLE. Madam President, Russia's invasion into Ukraine is changing the global order, the likes of which the world has not witnessed since the end of the Cold War. Vladimir Putin launched an unprovoked and brutal war—one that left the United States and our allies shocked and enraged. The global response to Putin's provocation was a mix of sharp words, hastily delivered weapons, and targeted sanctions, but even as we speak, the actions from the Biden administration are still too weak.

As airwaves were flooded with messages of support and solidarity with Ukraine, one major power was very vocal in their support against Ukraine, and that was China.

China vocally took Russia's side very quickly. The two countries share a land border, but they also issued a statement of solidarity on February 4, just 20 days before the invasion. And there is no doubt that China is looking at the Western response to the war unfolding in Ukraine, and it plans to consume its neighbor, Taiwan, in the same fashion.

Yesterday, an article in the New York Times detailed the lengths China is going to in order to convince its people that their support for Russia is righteous and their hatred of the West is justified. The article goes on to outline China's pro-Putin propaganda, stating:

Chinese universities have organized classes to give students a "correct understanding" of the war, often highlighting Russia's grievances with the West. Party newspapers have run a series of commentaries blaming the United States of America for the conflict.

China's political posturing should be taken very, very seriously. The CCP is building the foundation for its future actions. Since 1949, the Chinese Communist Party has been eyeing Taiwan and patiently waiting. They have not attacked because the United States and other free nations have strengthened the tiny island. That is the essence of deterrence. We want Xi Jinping to look out his window each morning and think: Not today.

Our President's response to Russia's invading Ukraine has not inspired confidence in the Pacific. Joseph Wu, Taiwan's Foreign Minister, recently stated:

When we watch the events in Ukraine evolving . . . we are also watching very carefully what China may do [to us] in Taiwan.

Alarming, the White House is indifferent to the warming relations between China and Russia. When asked about a recent call between President Biden and President Xi, regarding the war in Ukraine, White House Press Secretary Jen Psaki said, in part:

China has to make a decision for themselves about where they want to stand.

In July, President Biden's climate czar, John Kerry, said that he is "genuine friends with China" and continued to praise President Xi.

Let's get this straight. Russia and China both stand against the United States. Neither country is our friend—period. Both seek to expand authoritarian world order and diminish American leadership. The key difference is that Russia is a small bully, but China is a huge, huge threat.

China's growing economy affords its growing ambition. China became the world's largest exporting nation in 2009, and today, China controls the world's supply of titanium, rare earth metals, shipbuilding, and clothing manufacturing, among others.

China seeks to control the South China Sea and all the trade that flows through it. China wants to replace the dollar as the global reserve currency and aims to exceed the military might of the United States.

And there is no secret—there is no secret at all—that China wants Taiwan's semiconductor industry.

Semiconductors power our everyday life. If it has an on-and-off switch, it has a chip. Chips are even found nearly everywhere, from our credit cards to our phones, to the processors in our weapons, and even in our satellites.

For the sake of our national security, we need to increase domestic investment and produce these chips on American soil.

Currently, the Taiwan-based Semiconductor Manufacturing Company is responsible for over 90 percent—90 percent—of these chips, one small, little island.

Over the last decade, China has made investments in their domestic semiconductor industry, but Chinese-produced chips don't match the quality of those in Taiwan.

While Taiwan's semiconductor industry is second to none, American markets have experienced a surge in private sector investment and domestic production.

In the past year alone, private sector investment in domestic semiconductor manufacturing increased to \$127 billion, with all signs indicating continued growth and investment in the years to come here in the United States.

And that is the way growth and innovation should happen, through the private sector, not Federal funding. Continued reliance on offshore suppliers for these chips poses too great a threat and risk to the supply chains from the CCP.

As we saw with Putin in the years prior to his invasion of Ukraine, Chi-

nese leaders are clear about their plans for Taiwan.

Just last year, the CCP warned of "drastic measures" if Taiwan declares independence. Taiwan is independent. Beijing refuses to recognize and reckon with reality.

To deter Chinese aggression, the United States must have our forces in the Pacific modernized and ready at any time. That is why it was a major win that last year's NDAA secured funding for a robust missile defense system for Guam to counter CCP-launched cruise or ballistic missiles. Guam is our first line of defense from these, home to 160,000 Americans who are forward-deployed to defend the west coast and our country. Guam is the first island to defend.

However, as the CCP has continued to grow its military capabilities over the last decade, our own military has been hampered by cuts to defense spending, leaving our artillery antiquated and our defense capabilities weakened.

President Biden has been no different, offering up disappointing cuts to defense priorities in both of his first two budgets. These cuts most certainly caught the attention of our adversaries. This is yet another example of how sorely out of touch with reality the Biden administration is when it comes to defense. We cannot—we cannot—continue to ask our men and women in uniform to do more with less, especially with China watching everything that we do.

While the world focuses on Eastern Europe, we must remain focused on Beijing. China is watching every move we make with regard to Putin, and they are taking notes.

We cannot allow Vladimir Putin's war to set a dangerous precedent. We must not make the same mistakes with Taiwan that the administration made with Ukraine, and that begins by sending a strong, clear message to our allies and adversaries that America will always be the world's most foremost superpower.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENERGY

Mr. CRAMER. Madam President, in poll after poll, most respondents blame President Biden's policies for the increasing inflation and especially higher gas prices.

NBC:

Biden's job approval falls to the lowest level of his presidency amid war and inflation fears.

In Gallup's poll, which they dubbed "Americans Offer Gloomy State of Nation Report" in February—before the

record gas prices at the pumps were even here that we are seeing today—the biggest decline in satisfaction sat squarely with energy policies. In fact, only 27 percent of Americans said they were satisfied with his energy policies.

But, if you ask the Biden administration and congressional Democrats, who seem more interested in finger-pointing than in finding solutions, the culprit changes on a nearly daily basis. First, it was OPEC+ not producing enough oil. Then it was the evil corporations' price gouging at the expense of hard-working American families. Then it was Vladimir Putin's fault with his invasion of Ukraine. Now, it is oil and gas companies sitting on 9,000 leases. Of course, we have come back around today to those greedy oil companies again.

But the 9,000 leases is where I want to spend a little time today and explain the problem with the claim of the 9,000 leases. Let's drill deeper—if you will excuse the expression—into that number to truly understand what is going on here and why this type of rebuttal argument does a total disservice to the American people and our allies abroad.

The first and most fundamental mistake that White House spokesperson Ms. Psaki has made is in using the words "lease" and "permit" interchangeably. "Lease" and "permit" are not the same thing. They are not synonymous other than that both are regulatory hurdles required by the Federal Government for a producer to work on Federal lands.

Second, it is important to understand the vast majority—in fact, two-thirds—of oil and gas leases on Federal lands are producing. There are 35,871 total oil and gas leases in effect, with about 66 percent of them producing oil or gas. The rest are going through this abused regulatory process or are being held up in litigation by environmental NGOs. In fact, over 2,200 of the leases are currently in litigation, and if there is one thing that liberals love more than regulation, it is litigation.

Third, a lease does not mean the rented land contains oil and gas. Not all 9,000 of these leases "not being used" even contain oil and gas. Producers first have to perform exploratory work to discover whether their leases even contain the minerals that they are after. Oil and gas producers procure multiple leases because they need to mitigate the financial damage which could result from acquiring only dry leases. It is called a robust portfolio, a comprehensive portfolio.

Fourth, before any development on leases can occur, producers and Agencies must navigate this bureaucratic maze—this labyrinth of permitting and environmental laws covered by the Endangered Species Act, the National Historic Preservation Act, and the National Environmental Policy Act, just to name a few, which can take years to complete. Rarely, do these things all get done at the same time. They are never done simultaneously but, rather,

consecutively. They each take the number of days they need apart from one another rather than all together.

Fifth, just because a producer obtains a lease and navigates the regulatory hurdles required to permit a well does not mean they can begin extraction. They must first secure adjoining leases for horizontal drilling. You don't just drill a hole straight down anymore and suck the oil straight up from one silo. You have to get leases from the neighborhood. They must secure these leases and then accrue the capital to finance mineral development. It is not done for free, and it is not going to be done cheaply. They have to schedule the rigs, construct access roads, obtain pipeline rights-of-way, establish infrastructure to capture the natural gas, and hire capable workers. All of these steps have been delayed by the administration's roadblocks and Biden's supply chain and labor crisis.

Finally, after obtaining an adequate number of leases clearing all of the regulatory hurdles and planning the logistics of the projects, a company must obtain an approved application for a permit to drill, otherwise known as an APD. There are currently 4,604 Federal APDs awaiting approval from the Bureau of Land Management, BLM, and another 162 APDs on Indian land.

The Biden administration's BLM could approve these permits now and enable companies to move forward with the development to supply much needed domestic energy at home and abroad. However, the BLM is approving them at the slowest rate since the Obama administration—a fact that Ms. Psaki conveniently leaves out when she claims President Biden is doing everything possible to lower gas prices.

In fact, to this specific point, the Bureau of Land Management has State offices in places like Dickinson, ND. They have regional offices in places like Billings, MT. That is where the decisions have been made as to whether the application for a permit to drill becomes a permit to drill—until this administration. They changed that and gave the final authority not to Dickinson, ND, and not to Billings, MT, but rather to Washington, DC—at the very height of power. In fact, it goes all the way to the Deputy Secretary of the Interior.

Now let's look at some of the data on APDs, applications for permits to drill, and the timelines.

In March of 2020, the BLM testified in front of the House Natural Resources Committee about the Trump administration's efforts to improve oil and gas permitting processes. In fiscal year 2019, the BLM approved 3,741 APDs on Federal and Indian lands. The average APD processing time for a single application dropped from 139 days in fiscal year 2016 to just 44 days in fiscal year 2019. In fiscal year 2021, which included 4 months of the Trump administration, APD approval times shot back up to 89 days, doubling the amount of time.

This is yet another example of the Trump administration's energy success being eliminated by the Biden administration's incompetence.

The Biden administration approved just 97 permits for oil and natural gas wells across Federal lands in January of this year—a significant plunge from the 643 issued in April of last year. All of the leases in the world don't matter if you can't get a permit to drill on them even if, in fact, there is oil—and you don't even know that for sure.

On top of the regulatory hurdles, industry considerations, supply chain issues, and labor shortages, producers must have certainty that their products can reach the global market. A key aspect of reaching the global market, of course, and reducing the European Union's reliance on dirty Russian gas are the U.S. liquefied natural gas terminals, or LNG export terminals.

As of March 16, 2022, the U.S. Department of Energy had 16 applications pending or under review for increasing U.S. LNG exports. If Secretary Granholm were to sign off on or were to streamline the review of these applications, we could increase our export capacity to help our allies abroad and grow our economy right here at home.

The Biden administration has extended its onshore and offshore oil and gas leasing ban quarter after quarter despite being required by the Mineral Leasing Act to conduct quarterly lease sales. At this point in the Obama administration, they had held 35 onshore lease sales—35 under Barack Obama—and that is not all.

The Biden administration is actively working to starve the fossil fuel industry of financial capital in order to push them out of existence. That is right. They keep talking about the supply and the demand; yet they crush the supply by starving it of the capital that it needs. This is capital-intensive stuff.

In March, the Securities and Exchange Commission released a proposed rule on climate disclosure—climate disclosure. This authority of forcing publicly traded companies to develop and disclose their risks from climate change is not in the purview of the SEC. They don't have the authority to do that. Congress has never passed a law granting them new authority in this space. It only serves to further discourage investment in domestic energy development and to prevent American energy independence, a critical tool for peace and the reduction of global emissions.

Now, isn't that ironic?

The Biden administration is succeeding in its mission to destroy any chance to once again be energy independent. Their radical nominees, actions in the courtroom, regulatory schemes, budget proposals, and foot-dragging exude hostility toward fossil fuels, inflicting a distinct chilling effect on the oil and gas industry.

I have talked to a number of producers in North Dakota, and they are

capital-starved. If the right messages were being sent to the markets, we could pick up another 200,000 to 400,000 barrels of oil per day. In January of 2022—this year—North Dakota produced 1.1 million barrels per day. To put this in context, Europe imports 2.3 million barrels per day from Russia. At North Dakota's peak, we produced 1.5 million barrels per day. North Dakota alone could provide two-thirds of the product Europe imports from Russia. It would be cleaner than Russian oil, and it would lessen Putin's malign leverage over Europe and, really, the rest of the world.

Investors in domestic oil and gas have to receive the right market signals in order to invest their capital. The administration seems to believe energy production is simply a switch you turn on or a valve you turn when you need it. Then, if you don't need it, you just turn it off—no harm, no foul. It is very capital-intensive, as I said, and it is reliant on regulatory certainty. I am not talking about 6 days of certainty or 6 months of certainty but more like 6 years of certainty. No sane energy CEO would invest millions or billions of dollars in a project with the backdrop of an administration that is seeking to “transition” them out of existence within months.

Let's take a walk down memory lane on some of the signals this administration has sent to the industry.

First, the President himself said during a campaign stop in 2019:

I guarantee you, I guarantee you we are going to end fossil fuel, and I am not going to cooperate with them.

Well, congratulations, Mr. President. You kept the promise.

Secretary Granholm appeared in a video and called for leaving fossil fuels “in the ground,” she said. She then spoke to reporters at the Energy and Environmental Research Center in Grand Forks, ND. It is an exceptional organization at the forefront of promoting carbon capture and other innovative solutions to reduce CO<sub>2</sub> emissions.

During her comments, she proclaimed the United States doesn't—get this now. The Secretary of Energy proclaimed, We don't have “much moral authority” to criticize China over its emissions. We, the United States of America, don't have moral authority over China?

Really, Madam Secretary? That is what you believe about the country you serve?

How about the climate czar John Kerry? He flies around the world while making outlandish comments like “the United States won't have coal in 2030,” and he discourages the world from buying our products—U.S. energy—while fanning the flames of radicalism and proclaiming Ukrainian war refugees are nothing compared to climate refugees. It is like he is the bishop of the Church of Climatology or something. He has even expressed concern that the pesky war crimes that are going on

over there by Vladimir Putin are taking the focus away from the real tragedy: climate change. Then he gets in his jet and flies home.

Meanwhile, recent reports indicate the administration has turned to despots, like Iran and Venezuela, instead of to producers right here in America in order to help bring the Biden inflation under control by producing more of their dirty oil instead of our cleaner production. It makes no sense, and it is offensive to every American worker.

We have a geopolitical opportunity right now to cut Putin's malign influence, and we should be taking full advantage of it. What we ought to be doing is encouraging production not just with our rhetoric but with our actions. Producing more U.S. oil and gas will—believe it or not, proclaim it or deny it as it is the truth—will reduce global greenhouse gas emissions.

Now, if you don't want to take my word for it or trust the extensive studies, science, and documentation of this fact, Biden EPA Administrator Michael Regan, just last week, told the Financial Times that recent calls for increased oil output are compatible—get this now, this is from Biden EPA Administrator Regan—with goals to cut CO<sub>2</sub> emissions.

In fact, he specifically said:

These are not mutually exclusive goals.

Administrator Regan is exactly right. Producing more U.S. oil and gas will reduce the West's reliance on dirtier fuels from our adversaries. Doing so also avoids unilaterally disarming our economy and losing ourselves to a 2050 fantasy that has come straight up to being a 2022 reality. Some in the Biden administration may finally be starting to understand: Energy security is national security and economic security. And so I say: Let's make the world safer, let's make the world cleaner, and let's unleash American energy production.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The Senator from Florida.

#### NOMINATION OF KETANJI BROWN JACKSON

Mr. SCOTT of Florida. Mr. President, in my 8 years as Governor, I had the opportunity to appoint more than 400 Floridians to the bench. I interviewed thousands of applicants for these seats, and my standards in each of those interviews were the same. I asked them if they understood that they intended to be part of the judiciary and not part of the legislature. And I asked them if they intended to interpret the law and enforce the law but not make new laws. If they couldn't convince me that they believed that was their duty as a member of the judicial branch, then I wouldn't appoint them.

We need qualified jurists committed to fairly and accurately interpreting our Constitution and our laws as they are written, not activist judges who will rewrite the laws according to their own policy preferences.

Now, I have had the chance to meet with Judge Jackson. We had a nice conversation, and she seems like a nice person. But I have very serious concerns about her record as a Federal judge, which includes numerous instances of the type of judicial activism that we cannot and should not tolerate from the Federal judiciary.

The fact is that Judge Jackson has written only two appellate opinions in her current position. So we have no evidence of how she will approach serious constitutional issues as an appellate judge. And she has refused to disclose how she would interpret the Constitution as a Supreme Court Justice, despite being repeatedly and directly asked by Senators on the Judiciary Committee.

And while serving as a district court judge, she had a high rate of being reversed on appeal for applying the wrong legal standards, exceeding her authority, or simply ignoring clear law in her decisions.

And a peek into her history shows an alarming pattern of being weak on sex offenders, including easier sentences in child pornography cases. Judge Jackson imposed sentences that were 47 percent shorter than the national average in cases of child pornography distribution, and 57 percent shorter than the national average in cases of child pornography possession. She has even apologized from the bench when issuing such sentences—not to the victims of those heinous crimes. Of course, they never got an apology. She apologized to the offenders for the “anguish” the sentences for their horrific crimes would cause them.

What about the anguish of their victims—innocent children?

These are individuals who harm children. They don't deserve easy sentences or our sympathies.

And this sympathy for child predators has consequences. We recently learned that a child rapist, someone to whom Judge Jackson gave a very lenient sentence, sexually abused another victim after his light sentence. Had Judge Jackson given him the sentence he deserved and the one that the prosecution recommended, he would have been in prison, not out in the streets.

These are crimes that Judge Jackson has the power to prevent, but she has chosen every time to give these gross criminals easier sentences. That is why I have joined Senator HAWLEY to introduce the Protect Act, which protects children from sexual exploitation by enhancing the penalties for possessing child pornography and preventing judges from sentencing offenders below Federal guidelines. Our communities must be protected from sick individuals who exploit and victimize children, and also from liberal activist judges who abuse their sentencing guidelines to let offenders off the hook. Federal sentencing guidelines for these heinous crimes are critical, and we